

AGENDA
CITY OF ATLANTA BOARD OF ZONING ADJUSTMENT
Friday August 19, 2005 AT 1:00 P.M.
ATLANTA CITY HALL COUNCIL CHAMBER, SECOND FLOOR

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NEW CASES

- V-05-09** Application of **DeFoor Buckhead Partners, LLC** for variances from the zoning regulations to 1) reduce the northwestern side transitional buffer from the required 20 feet to 0 feet for a structure and paving, and 2) reduce the transitional use distance for a drive-in facility from the required 100 feet to 0 feet, for construction of a retail commercial building, and for a special exceptions from the zoning regulations to 3) reduce the on-site parking from the required 62 spaces to 58 spaces and 4) reduce the number of loading spaces from the required 2 spaces to 1 space. Property is located at **3658, 3674, 3678 (a.k.a. 3680) & 3692 ROSWELL ROAD, N.W.**, fronts 449 feet on the west side of Roswell Road, and begins at the northwest corner of Roswell Road and Blackland Road. Zoned C-1 and C-1-C (Community Business and Community Business-Conditional) District. Land Lot 97 of the 17th District, Fulton County, Georgia.
Owners: Robert M. McCaffrey as trustee of Virginia Lee McCaffrey, James Allison DeFoor, Leonard M. DeFoor, Nancy Lee Sullivan, Linda DeFoor Wickham, Marcus A. Cook III, Marcus A. Cook III as the executor of the estate of Dulcie DeFoor Cook, David Cormack Brittain and Katherine S. Brittain Bradley as co-executors for the estate of M.L. Brittain III, Janie Lee Home, Charles L. Cook, South Trust Bank as the trustee of H.L. DeFoor, and Leonard M. DeFoor and James A. DeFoor as co-trustees of Julia McNeel DeFoor for the benefit of Charles W. DeFoor III.
- V-05-192** Application of **Jim Sculac** for a variance from the zoning regulations to reduce the south side yard setback from the required 7 feet to 2.9 feet for a second story addition to a single- family house. The property is located at **89 INMAN CIRCLE N.E.**, fronts 50 feet on the east side of Inman Circle, and begins 210 feet north of the northeastern corner of Inman Circle and Seventeenth Street. Zoned R-4 (Single- Family Residential) District. Land Lot 105 of the 17th District, Fulton County, Georgia.
Owner: Tim Goodwim & Andrea Weyermann
Council District 7, NPU-E
- V-05-193** Application of **Ruth Dinkins** for a variance from the zoning regulations to reduce the side yard setback from the required 7 feet to 3.5 feet to allow for a one story room addition to a single- family house. The property is located at **2055 MCLENDON AVENUE N.E.**, fronts 47 feet on the south side of McLendon Avenue, and begins 382 feet west of the southwest corner of McLendon Avenue and Palifox Road. Zoned R-4 (Single- Family Residential) District. Land lot 237 of the 15th District, DeKalb County, Georgia.
Owner: Burrell D. Dinkins
Council District 5, NPU-N

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- V-05-194** Application of **Benjamin P. Larkin** for a special exception for a 5 foot high wall (i.e. privacy fence) in the front yard setback, where up to a 4 foot fence is allowed. The property is located at **1216 NORTH HIGHLAND AVENUE N.E.**, fronts 60 feet on the west side on North Highland Avenue, and begins 85.6 feet north of the northwestern corner of North Highland and Amsterdam Avenue. Zoned R-4 (Single- Family Residential) District. Land Lot 2 of the 17th District, Fulton County Georgia.
Owner: Benjamin P. Larkin
Council District 6, NPU-F
- V-05-195** Application of **Keith Long** for a variance from the zoning regulations to erect a free standing sign in the front yard setback to replace an existing sign. The property is located at **2848 LENOX ROAD N.E.**, fronts 150 feet on the west side of Lenox Road, and begins 1398.1 feet north of the northwestern corner of Lenox Road and Canterbury Road. Zoned RG-3-C (Residential General- Sector 3- Conditional) District. Land Lot 7 of the 17th District, Fulton County, Georgia.
Owner: Atria Buckhead, LLC
Council District 7, NPU-B
- V-05-196** Application of **Scott Yates** for variances from the zoning regulations to 1) reduce the east side yard setback from the required 10 feet to 5 feet and 2) reduce the west side yard setback from the required 10 feet to 7 feet for a second story addition to an existing single- family house. The property is located at **899 KIPLING DRIVE N.W.**, fronts 75 feet on the north side of Kipling Drive, and begins 170 feet west of the northwestern corner of Kipling Drive and Radcliffe Drive. Zoned R-3A (Single- Family Residential) District. Land Lot 154 of the 17th District, Fulton County, Georgia.
Owner: Scott & Elizabeth Yates
Council District 8, NPU-C
- V-05-197** Application of **David Bennett** for a variance from the zoning regulations to reduce the rear yard setbacks from the required 30 feet to 12 feet for the installation of a swimming pool. The property is located at **166 West Wesley Road N.W.**, fronts 100 feet on the south side of West Wesley Road, and begins 379.5 feet east of the southeastern corner of West Wesley Road and Habersham Road. Zoned R-2A (Single- Family Residential) District. Land Lot 112 of the 17th District, Fulton County, Georgia.
Owner: Fritz & Renee McPhail
Council District 7, NPU-B

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- V-05-198** Application of **Earl Thomas** for a variance from the zoning regulations to reduce the east side yard setback from the required 7 feet to 3 feet 6 inches for construction of a single- family house with attached carport. The property is located at **787 KNOX DRIVE S.E.**, fronts 127 feet on the south side of Knox Drive, and begins 203.6 feet west of the southwestern corner of Knox Drive and Lewis Road. Zoned R-4 (Single- Family Residential) District. Land Lot 26 of the 14th District, Fulton County, Georgia.
Owner: Earl Thomas
Council District 1, NPU-Z
- V-05-199** Application of **Norsouth** for a special exception from the zoning regulations to allow for an entry wall and a decorative arbor in the front yard setback where a such a wall is otherwise prohibited. The property is located at **595 CLEVELAND AVENUE (A.K.A. 2765 JONESBORO ROAD)**, fronts 832 feet on the south west side of Jonesboro Road, and begins on the corner of Jonesboro Road and Cleveland Avenue. Zoned RG-2 (Residential General Sector 2) District. Land Lot 29 of the 14th District, Fulton County, Georgia.
Owner: Vineyards of Browns Mill, L.P.
Council District 12, NPU-Z
- V-05-200** Application of **Kirk Posmantur** for 1) a variance from the zoning regulations to reduce the front yard setback from the required 50 feet to 19 feet, and 2) a special exception for an active recreation area adjacent to a street. The property is located at **2504 DELLWOOD ROAD N.W.**, fronts 70 feet on the west side of Dellwood Road, and begins 65 feet south of the southwestern corner of Dellwood Road and Manor Ridge Drive. Zoned R-3 (Single- Family Residential) District. Land Lot 144 of the 17th District, Fulton County, Georgia.
Owner: Kirk Posmantur
Council District 8, NPU-C
- V-05-201** Application of **David Purdue** for a special exception from the zoning regulations to reduce the on-site parking from the required 36 spaces to 28 spaces and allow off-site parking for 8 spaces within 500 feet of the primary use. The property is located at **434 MARIETTA STREET S.W.**, fronts 184 feet on the west side of Marietta Street and begins 688 feet north of the northwest corner of Marietta Street and Jones Avenue. Zoned C-3-C (Commercial Residential District) Conditional. Land Lot 79 of the 17th District, Fulton County, Georgia.
Owner: Davis Purdue
Council District 2, NPU-M

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- V-05-202** Application of **Thomas C. Brennan** for variance from the zoning regulations to 1) reduce the front yard setback from the required 35 feet to 24 feet and 2) reduce the side yard setback from the required 7 feet to 2 feet to allow for an addition to a single- family house. The property is located at **2279 FAIRHAVEN CIRCLE N.E.**, fronts 50 feet on the east side of Fairhaven Circle, and begins 276 feet south of the southeastern of Fairhaven Circle and Peachtree Hills Avenue. Zoned R-4 (Single- Family Residential) District. Land Lot 102 of the 17th District, Fulton County, Georgia.
Owner: Thomas C. Brennan
Council District 7, NPU-B
- V-05-203** Application of **Tricia Hunt** for variances from the zoning regulations to 1) reduce the side yard setback from the required 10 feet to 5 feet and 2) a variance to increase the maximum allowed height of 20 feet for an accessory structure to 25 feet. The property is located at **741 WOODWARD WAY N.W.**, fronts 75 feet on the east side of Woodward Way, and begins 865 feet south of the southeastern corner of Peachtree Battle and Woodward Way. Zoned R3-A (Single- Family Residential) District. Land Lot 155 of the 17th District, Fulton County, Georgia.
Owner: Stephan & Tricia Hunt
Council District 8, NPU-C
- V-05-205** Application of **Serge Watson** for a variance from the zoning regulations to reduce the west side yard setback from the required 7 feet to 2-1/2 feet for a second story addition to a single- family house. The property is located at **157 RUMSON ROAD N.E.**, fronts 75 feet on the south side of Rumson Road, and begins 185 feet east of the southeast corner of Rumson Way and Rumson Road. Zoned R-4 (Single- Family Residential) District. Land Lot 100 of the 17th District, Fulton County, Georgia.
Owner: Andy Ausband
Council District 7, NPU-B
- V-05-206** Application of **Serge Watson** for a variance from the zoning regulations to reduce the north side yard setback from the required 15 feet to 11 feet for a second story addition to a single family house. The property is located at **3130 HABERSHAM ROAD N.W.**, fronts 123 feet on the west side of Habersham Road, and begins 364 feet north of the northwestern corner of Habersham road and East Pine Valley Road. Zoned R-2 (Single- Family Residential) District. Land Lot 114 of the 17th District, Fulton County Georgia.
Owner: Rich Sanders
Council District 8, NPU- C

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- V-05-207** Application of **David Hutchinson** for a variance from the zoning regulations to reduce the east side yard setback from the required 7 feet to 3.2 feet for a second story addition to a single –family house. The property is located at **1115 ROSEDALE DRIVE N.E.**, fronts 50 on the south side of Rosedale Drive, and begins 150 feet east of the south eastern corner of Rosedale Drive and Arlington Place. Zoned R-2 (Single- Family Residential) District. Land Lot 16 of the 14th District, Fulton County, Georgia.
Owner: Arlene Bates
Council District 6, NPU-F
- V-05-208** Application of **Jennifer Dickie** for a variance from the zoning regulations to reduce the west side yard setback from the required 7 feet to 5.1 feet for a addition to an existing single- family house. The property is located at **1367 ORMEWOOD AVENUE S.E.**, fronts 50 on the south side of Ormewood Avenue, and begins 150 east of the southeastern corner of Stokeswood Avenue and Ormewood Avenue. Zoned R-4 (Single- Family Residential) District. Land Lot 176 of the 15th District, Fulton County, Georgia.
Owner: Jennifer Dickie
Council District 5, NPU-W
- V-05-209** Application of **Michael Brown** for variances from the zoning regulations to 1) reduce the north side yard setback from the required 7 feet to 5 feet and 2) reduce the south side yard setback from the required 7 feet to 5 feet to allow for a new two- story single family house. The property is located at **162 WALNUT STREET S.W.**, fronts 37.3 feet on the east side of Walnut Street, and begins 325.3 feet north of the northeastern corner of Walnut Street and Fair Street. Zoned R4-A (Single- Family Residential) District. Land Lot 84 of the 14th District, Fulton County, Georgia.
Owner: Michael Brown
Council District 3, NPU-T
- V-05-210** Application of **Larry Lucas** for variances from the zoning regulations to 1) reduce the front yard setback from the required 30 feet to 12 feet and 2) reduce the rear yard setback from the required 15 feet to 3 feet to build a new single-family house. The property is located at **1728 BROWNING STREET N.W.**, fronts 51 feet on the south side of Browning Street, and begins 100 feet east of the southeast corner of West Lake Avenue and Browning Street. Zoned R4-A (Single- Family Residential) District. Land Lot 148 of the 14th District, Fulton County Georgia.
Owner: Major Thirty Nine, Inc.
Council District 3, NPU-K

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- V-05-211** Application of **David S. Martin** for variances from the zoning regulations to reduce the north side yard setback from the required 7 feet to 4.6 feet for a first floor addition to an existing single- family house. The property is located at **108 WAKEFIELD DRIVE N.E.**, fronts 70 feet on the west side of Wakefield Drive, and begins 74.9 feet north of the northwest corner of Wakefield Drive and Camden Road. Zoned R-4 (Single- Family Residential) District. Land Lot 110 of the 17th District, Fulton County, Georgia.
Owner: David S. & Elizabeth E. Martin
Council District 7, NPU-E
- V-05-212** Application of **Sean Chang** for a variance from the zoning regulations to allow for a retaining wall in transitional side yard where such structures are otherwise prohibited. The property is located at **2884 MARTIN LUTHER KING JR. DRIVE S.W.**, fronts 100 feet on the south side of Martin Luther King Jr. Drive, and begins 324 feet west of the south western corner of Martin Luther King Jr. Drive and Harlan Road. Zoned C-1 (Community Business District Regulations) District. Land Lot 212 of the 14th District Fulton County, Georgia.
Owner: Qui Nguyen
Council District 10, NPU-I
- V-05-213** Application of **Christopher Caragher** for variances from the zoning regulations to 1) allow parking and paving in the transitional side yard where it is otherwise prohibited; 2) to eliminate the required 6 foot high opaque screen abutting a residential district and 3) to eliminate the required independent driveway fully connected to a public street and allow access through an alley. The property is located at **1812, 1820 & 1826 DEKALB AVENUE N.E.**, fronts 152.6 feet on the north side of DeKalb Avenue, and begins on the northeastern corner of DeKalb Avenue and Cassan Street. Zoned C-2 (Commercial Service) District. Land Lot 211 of the 15th District, DeKalb County, Georgia.
Owner: MARTA
Council District 5, NPU- N
- V-05-214** Application of **Bruce Hammond** for a special exception from the zoning regulations to expand an existing nonconforming use (i.e. an apartment building) by adding exterior decks and porches. The property is located at **710 NORTH AVENUE N.W.**, fronts 53.8 feet on the south side of North Avenue, and begins 114.2 feet east of the southeastern corner of Griffin Street and North Avenue. Zoned R-4-A (Single- Family Residential) District. Land Lot 111 of the 14th District, Fulton County, Georgia.
Owner: North Avenue
Council District 3, NPU-L

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DEFERRED CASES

- V-05-139** Application of **Michael C. Harris** for variances from the zoning regulations to 1) reduce the half-depth front yard setback from the required 15 feet to 2 feet and 2) reduce the side yard setback from the required 7 feet to 5 feet to allow for construction of a new single family house. The property is located at **559 SUNSET AVENUE N.W.**, fronts 35 feet on the east side of Sunset Avenue, and begins on the southeast corner of Sunset Avenue and North Avenue. Zoned R4-A (Single-Family Residential) District. Land Lot 111 of the 14th District, Fulton County, Georgia.
Owner: Michael C. Harris
Council District 3, NPU-L
- V-05-87** Appeal of **Kim Wilson and Padraig McLoughlin** of a decision of an administrative officer (i.e., a staff person) of the Bureau of Buildings to issue a building permit for construction of a two story addition to a dwelling unit that the Bureau of Buildings determined is a zero lot line, single-family house with no side yard setback along the zero lot line. Property is located at **888 ARGONNE AVENUE, N.E.**, fronts 34.05 feet on the west side of Argonne Avenue, and begins 164.74 feet south of the southwest corner of Argonne Avenue and Eighth Street. Zoned R-5 (Two-Family Residential) District. Land Lot 49 of the 14th District, Fulton County, Georgia.
Owner: E. Bruce Garner
Council District 6, NPU-E